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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,111	02/11/2004	Steve Lee	MR929-960	1239
4586	7590	06/08/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			CHAPMAN, GINGER T	
			ART UNIT	PAPER NUMBER

3761

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,111

Applicant(s)

LEE, STEVE

Examiner

Ginger T. Chapman

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because of the following informalities: the last sentence recites, "Through these open space and channels flow the fluid with a proper temperature heats up the supplying blood temperature.".

In view of specification p. 2, ll. 8-9, examiner suggests language such as, by way of example, "Through these open spaces and channels flow a fluid with a temperature to maintain blood supply at an appropriate body temperature." Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-5 are objected to because of the following informalities:

Each claim must begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations. Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. See MPEP 608.01(m). Appropriate correction is required.

Claim 3 is objected to because of the following informalities: line 1 recites "at another side". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3761

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Verkaart (US Re 39,075 E).

With regard to claims 1, as seen in Figures 2 and 3, Verkaart discloses a blood heat conserving tube assembly (10) consisting of a mediate inner tube transports blood supply (50), an outer tube (58), and connected by several ribs (56), channels are formed between inner (50) and outer (58) tube, a hollow connector set (78) and a space (78) is within, hollow spaces (52, 54) are connected with extension pieces (36, 38).

With regard to claim 2, as seen in Figure 4, Verkaart discloses the hollow connector set consists of a hollow connecting head (78), and a connecting tube (76) extended at one side (fig. 4), and a hollow engaging tube (74) is connected (70) with connecting head (78) and a passage (76) is formed.

With regard to claim 3, as seen in Figure 2, Verkaart discloses extension piece (52) formed at another side of engaging tube (74).

With regard to claim 4, as seen in Figure 3, Verkaart discloses an inlet (62) is connected with connecting head (60), a specified temperature of fluid is instilled into inlet and flows through spaces and channels with the function of heating up blood supply (c. 4, l. 19).

With regard to claim 5, as seen in Figure 4, Verkaart discloses an inlet (62) is connected with engaging tube (74), a specified temperature fluid is instilled into and flows through the spaces and channels with the function of heating up the blood supply (c. 1, l. 67 to c. 2, ll. 1-3), the fluid flows out from the outlet (66) of the other end (fig. 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buckberg (US 5,643,191) Figure 7 discloses a blood heat conserving tube assembly (10).

Hall (US 3,643,773) Figure 3 discloses a blood heat conserving tube assembly.

Farrant (US 3,374,066) discloses in Figure 2 a blood heat conserving tube assembly (c. 2, ll. 55-70).

Rosner (US 4,678,460) discloses in Figures 22-30 connectors (235, 236) for a blood heat conserving tube assembly (93) (c. 12, ll. 5-15; c. 18, ll. 1-10).

Carlsson (US 4,354,548) discloses in Figure 5 a heating tube assembly.

Although these references are pertinent prior art, neither was used to reject any claims in the first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman
Examiner, Art Unit 3761
05/24/06



TATYANA ZAIHKAIEVA
SUPERVISORY EXAMINER

